

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION

CALVIN STINNETT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 7:09-cv-00731-SLB-RRA
	)	
PRISON HEALTH SERVICES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM OF OPINION**

The magistrate judge filed a report on June 10, 2010, recommending that the defendants' special report be treated as a motion for summary judgment and, as such, that it be granted and that this action be dismissed without prejudice in order to allow the plaintiff to exhaust the administrative remedies available to him at the Bibb Correctional Facility. 42 U.S.C. § 1997e(a). No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court EXPRESSLY FINDS that there are no genuine issues of material fact with respect to the exhaustion of remedies issue and that this action is due to be dismissed without prejudice in order to allow the plaintiff to exhaust the administrative

remedies available to him at the Bibb Correctional Facility. Accordingly, the defendants' motion for summary judgment is due to be **GRANTED** and this action is due to be **DISMISSED WITHOUT PREJUDICE**. An Order of Dismissal will be entered.

DONE this the 9th day of August, 2010.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. The first name "Sharon" is written in a larger, more prominent script, followed by "Lovelace" and "Blackburn" in a slightly smaller, more compact script. The signature is positioned above a horizontal line.

SHARON LOVELACE BLACKBURN  
CHIEF UNITED STATES DISTRICT JUDGE